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10/092,838	03/07/2002	David B. Chaney	39604-Oasis	9440

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,838	<b>Applicant(s)</b> CHANEY ET AL.	
	<b>Examiner</b> Marianne S. Ocampo	<b>Art Unit</b> 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 10-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6 – 7, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth (US 3,399,776).

3. Concerning claim 1, Knuth discloses a purification/filter system (capable of use in purifying/filtering water), comprising:

- a supply conduit (2) which could be used in supplying water;
- a filter manifold defining at least one filter element mounting station (defined by the cap 22) for receiving and supporting at least one filter element (20, 28), said filter manifold further including:
  - flow coupler means (33, 31, 32) for connecting said at least one filter element (20, 28) with the supply conduit (2);

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- a latch plate (35, 36, 37) movable between a latched position for engaging and retaining said at least one filter element (28, 20) in said at least one mounting station, and an unlatched position permitting removal and replacement of said at least one filter element; and

- lock means (40, 50, 41 and 57, 59, 61) movable between a first position engaging and preventing movement of said latch plate from said latched position to said unlatched position, and a second position permitting movement of said latch plate between said latched and unlatched positions, wherein the lock means further including a shut-off valve (at least one of those located in couplers 30- 31 as mentioned in specification, col. 2, lines 18 - 59) capable of shutting fluid flow (which could be water flow) through the supply conduit to the filter manifold when the lock means is in the second position as in figs. 1 - 7 and cols. 1 - 4.

4. With regards to claim 3, Knuth has disclosed the limitations of claim 1 above, and further discloses the lock means comprising an actuator lever (41 or 61) having one end connected to a shut-off valve (at least one of those valves in couplers 30 - 31) for controlling water flow through the water supply conduit (2, 6, 6') to the filter manifold (defined by cap 22), and the actuator lever in the first position obstructing and preventing movement of the latch plate (35 - 37) from the latched position to the unlatched position and further setting the shut-off valve in an open position, the actuator lever in the second position permitting movement of the latch plate between said latched and unlatched positions and further setting said shutoff valve in a closed position, as in figs. 1 - 7 and cols. 2 - 3.

5. With respect to claim 6, Knuth has disclosed the limitations of claim 1 above, and further discloses the filter manifold comprising a frame (B), and the latch plate (35, 36 – 37) being pivotally mounted to the frame for movement between said latched and unlatched positions, as in figs. 1 - 7.

6. Regarding claim 7, Knuth has disclosed the limitations of claim 6 above, and also discloses the lock means (41, 40 or 61, 57 - 58) being mounted on the frame (B) for movement between said first and second positions, as in figs. 1 - 7.

7. Concerning claim 10, Knuth discloses a purification/filter system having a filter manifold (defined by cap 22) defining at least one filter element mounting station, at least one filter element (20, 28) removably mounted at said at least one mounting station, and flow coupler means (30 – 32) for connecting the at least one filter element (20, 28) to a fluid (which could be water) supply (2) to produce purified fluid/water, the improvement comprising:

- a latch plate (35 – 37) movable between a latched position for engaging and retaining the at least one filter element (20, 28) in said at least one mounting station, and an unlatched position permitting removal and replacement of the at least one filter element relative to said at least one mounting station; and

● shut-off valve means including a valve (located within the couplers 30 - 31) operable and movable between open and closed positions respectively permitting and preventing water flow to the at least one filter element, and actuator means (41, 40 or 61, 58 - 57) movable between first and second positions for respectively moving the valve between said open and closed positions, the actuator means in said first position engaging the latch plate to obstruct and prevent movement thereof from said latched position to said unlatched position, the actuator means in said second position permitting movement of said latch plate between said latched and unlatched positions, as in figs. 1 - 7 and cols. 1 - 4.

8. With regards to claim 12, Knuth has disclosed the limitations of claim 10 above, and further discloses the filter manifold comprising a frame (B), and the latch plate (35, 36 - 37) being pivotally mounted to the frame for movement between said latched and unlatched positions, as in figs. 1 - 7.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 11 and 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth in view of Lentz (US 1,861,805).

11. Concerning claims 4 and 11, Knuth has disclosed the limitations of claims 1 and 10, respectively above. Knuth fails to disclose the filter manifold defining a plurality of filter element mounting stations, and further comprising a plurality of filter elements for mounting respectively at said mounting stations.

12. Lentz teaches a purification/filter system similar to that of Knuth, comprising a filter manifold (11) defining at least one filter element mounting station, wherein the at least one filter element mounting station comprises a plurality of filter element mounting stations, and further comprising a plurality of filter elements (37, 9 & 10) for mounting respectively at the mounting stations, as in figs. 1 - 4 and pages 1 - 2 of the specification.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the system of Knuth, by adding the embodiment (having more than one filter mounting station being defined by the header or cap of the filter housing and more than one filter element) taught by Lentz, in order to provide an improved and alternative purification/filter system which can filter simultaneously or concurrently purify a greater amount of fluid/water at one time. The

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case law, *In re Harza* [274 F.2d, 124 USPQ 378 (CCPA 1960)] has stated that (in the instance that) a mere duplication of parts (in this instance, duplication of the mounting stations and filter elements from one to more than one/plurality) for a multiplied effect does not carry any patentable weight or significance unless a new or unexpected result is produced. See also M.P.E.P. section 2144.04 part VI paragraph B.

13. Regarding claim 13, Knuth discloses a purification system, capable of purifying water, comprising:

- a fluid (such as water) supply conduit (2);
- a filter manifold (defined by cap 22) defining at least one filter element mounting station arranged generally in-line for receiving and supporting a corresponding filter element (20, 28), the filter manifold further including flow coupler means (30 – 33) for connecting the filter element (20, 28) with the supply conduit (2) to produce purified fluid;
- a latch member movable between a latched position for engaging and retaining said filter elements at said mounting stations, and an unlatched position permitting removal and replacement of the filter element (20, 28); and
- shut-off valve means including a valve (those in couplers 30 - 31) mounted along the supply line (2, 6, 23) and movable between open and closed positions respectively permitting and preventing fluid flow to the filter manifold, and actuator means (41 or 61) movable between



first and second positions for respectively moving the valve between said open and closed positions, said actuator means in said first position engaging said latch member to obstruct and prevent movement thereof from said latched position to said unlatched position, said actuator means in said second position permitting movement of said latch member between said latched and unlatched positions, as in figs. 1 – 7 and cols. 1 – 4.

Knuth fails to disclose the filter manifold defining a plurality of filter element mounting stations and the filter element being a plurality of filter elements to be received in a corresponding one of the filter element mounting stations.

14. Lentz teaches a purification/filter system similar to that of Knuth, comprising a filter manifold (defined by header or cap 11) defining at least one filter element mounting station, wherein the at least one filter element mounting station comprises a plurality of filter element mounting stations, and further comprising a plurality of filter elements (37, 9 & 10) for mounting respectively at the mounting stations, as in figs. 1 – 4 and pages 1 – 2 of the specification.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the system of Knuth, by adding the embodiment (having more than one filter mounting station and more than one filter element) taught by Lentz, in order to provide an improved and alternative purification/filter system which can filter simultaneously or concurrent purify a greater amount of fluid/water at one time. The case law, In re Harza [274 F.2d, 124 USPQ 378 (CCPA 1960)] has stated that (in the instance that) a mere duplication of parts (in this instance, duplication of the mounting stations and filter elements from one to more than one/plurality) for

a multiplied effect does not carry any patentable weight or significance unless a new or unexpected result is produced. See also M.P.E.P. section 2144.04 part VI paragraph B.

15. Concerning claim 14, Knuth, as modified by Lentz, has taught the limitations of claim 13 above. Knuth further discloses the filter manifold comprising a frame (B), and the latch member (35 – 37) comprising a latch plate (35, 36, 37) pivotally mounted to the frame for movement between said latched and unlatched positions, as in figs. 1 – 7.

16. With respect to claim 15, Knuth, as modified by Lentz, has taught the limitations of claim 14 above. Knuth also discloses actuator comprises an elongated (actuator) lever (41 or 61) having one end connected to the valve (14 or 14'), the actuator lever in said first position obstructing and preventing movement of said latch plate from said latched position to said unlatched position and further setting said shut-off valve in an open position, said actuator lever in said second position permitting movement of said latch plate between said latched and unlatched positions and further setting said shut-off valve in a closed position, as in figs. 1 – 7.

17. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth and Lentz, as applied to claim 4 above, and further in view of Hoffmann (US 2002/0104794 A1).

18. With respect to claim 5, Knuth, as modified by Lentz, has taught the limitations of claim 4 above. Knuth as modified by Lentz, fails to teach the plurality of filter elements including a reverse osmosis cartridge.

19. Hoffmann teaches a water purification system having a filter manifold (11) defining a plurality of filter element mounting stations (14) and a plurality of filter elements (18, 20, 23) being received by the plurality of filter element mounting stations (18, 20, 23), wherein the plurality of filter elements (18, 20, 23) includes a reverse osmosis cartridge (20), as in fig. 5 and page 2, paragraphs 18 – 19.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify (at least one of the plurality of) the filter elements of Knuth, as modified by Lentz, by adding the embodiment taught by Hoffmann, in order to provide an alternative material of construction for the filter element, and provide a filter element which is capable of removing all contaminants (both dissolved solids and suspended solids) from a fluid, particularly in the instance of the fluid being drinking water, for a cleaner and safer fluid/water for consumption, or for high-purity fluid/water applications.

### ***Response to Arguments***

20. Applicant's arguments filed 1-8-04 have been fully considered but they are not persuasive. Regarding the argument that the prior art (Knuth, primary reference) failing to disclose or teach a structure which performs a "two step process for removing a used or spent

filter element from a filter manifold, requiring water supply (or fluid supply) to be turned off” (see page 7, last two paragraphs of the response/remarks section filed on 1-8-04), this is simply untrue. Knuth, in fact, discloses a two step process of shutting off water flow that flows through (which is being defined as the water supply to) the filter manifold (i.e. now as defined by the cap 22) and towards the filter element by the movement of the latch plate/lever (61 and its corresponding assembly 35 – 37, 33, 57-58) and by moving the latch plate/lever assembly of Knuth, the valves (in couplers 30 - 31) shut off the water flow to the filter manifold and diverts water flow towards the outlet (4, 1) which bypasses the filter element and therefore, allowing the filter element to be removed from its housing (20). This two step process is clearly depicted in figures 1, 6 and 7 - 8.

21. Regarding the arguments referring to claims 10 and 13, the examiner has identified the shut off valves as those being in the couplers 30 – 31 of Knuth’s device, and therefore, any remarks regarding valve(s) (14, 14’) of Knuth are deemed moot.

22. Applicants’ arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In addition, applicants’ arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of

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the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Conclusion***

**23. Since the same references presented in the last office action, are now being used in making the rejections presented above, this ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**24.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272-1144. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

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25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
M.S.O.

  
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